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Plaintiff RICHARD STICKNEY

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Attorney for Defendants  
CALIFORNIA GRAND CASINO, INC. and  
LAMAR V. WILKINSON

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

RICHARD STICKNEY,  
Plaintiff,

CASE NO. C04-3552 CW  
Civil Rights

v.

CALIFORNIA GRAND CASINO,  
INC.; LAMAR V. "WILL"  
WILKINSON; and DOES 1-25,  
Inclusive,

**SECOND STIPULATION AND  
~~PROPOSED~~ ORDER TO EXTEND TIME  
FOR FILING MOTION FOR ATTORNEY  
FEES, EXPENSES, AND COSTS**

Defendants.

**STIPULATION**

Plaintiff RICHARD STICKNEY and defendants CALIFORNIA  
GRAND CASINO, INC. and LAMAR V. WILKINSON, hereby jointly  
stipulate and request that the Court extend plaintiff's

**Second Stipulation and Order Extending Time to  
File Attorney Fee Motion: Case No. C04-3552 CW**

1 deadline for filing a motion for attorney's fees, litigation  
2 expenses, and costs to January 27, 2006.

3 Good cause exists for continuing the motion deadline:

4 1. On September 7, 2005, the parties held a further  
5 settlement conference in front of Magistrate Judge Maria-Elena  
6 James. With the assistance of Judge James, the parties settled  
7 the injunctive relief and damages aspects of this litigation.

8 2. Due to the time running out for the September 7  
9 settlement conference, however, the parties were not able to  
10 even begin discussion of the issue of plaintiff's statutory  
11 attorney fees, litigation expenses, and costs. Judge James  
12 offered the parties a further settlement conference on this  
13 issue in the event that the parties were unable to settle the  
14 issue directly between themselves.

15 3. Since that time, the parties have been  
16 negotiating in good faith toward a settlement of the attorney  
17 fees issue. Plaintiff has provided to defendants a demand on  
18 attorney fees with supporting documentation. Defendants have  
19 been unable to respond to plaintiff's attorney fee demand as  
20 quickly as they had hoped, due to an insurance coverage issue  
21 that has arisen.

22 4. The parties still anticipate that they may  
23 require the assistance of Magistrate Judge James on this issue.  
24 However, this process may take one to two months more,  
25 especially due to the calendar of Judge James and the ability  
26 to schedule a settlement conference on her crowded calendar.  
27 The parties believe that negotiation of the attorney fee issue,  
28 rather than contested motion, would be a better use of the

parties' and, especially, of the court's resources.

5. The parties previously requested one extension of the deadline for plaintiff to file an attorney fee motion. (Although the parties intended to ask for a short two-month extension to November 28, 2005, there was a typographical error in the submitted stipulation and order which gave the parties until November 28, 2006. However, the parties do not wish to rely on this "typo" and so are requesting this extension to January 27, 2006.) Other than that continuance, no party has requested a continuance in this case, and no party will be prejudiced by the continuance. There are no trial dates set or necessary in this case, since the attorney fee issue is the only outstanding issue.

Therefore, the parties now hereby request that plaintiff's deadline for filing a motion for attorney's fees, litigation expenses and costs be extended to and through January 27, 2006.

Dated: November 17, 2005

PAUL L. REIN  
PATRICIA BARBOSA  
JULIE A. MCLEAN  
LAW OFFICES OF PAUL L. REIN

/s/ Julie McLean  
Attorneys for Plaintiff  
RICHARD STICKNEY

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1 Dated: November 17, 2005

KENNETH D. SIMONCINI  
KERRI A. JOHNSON  
LESLIE WAGLEY  
SIMONCINI & ASSOCIATES

4 /s/ Kerri Johnson  
Attorney for Defendants  
5 CALIFORNIA GRAND CASINO, INC.;  
6 LAMAR V. WILKINSON

8 **ORDER**

9 Pursuant to stipulation, and for good cause shown, **IT IS SO**  
10 **ORDERED.** Plaintiff shall file a motion for attorney's fees,  
11 litigation expenses and costs no later than January 27, 2006.

12  
13 Dated: 11/22, 2005

Honorable Claudia Wilken  
United States District Judge

